



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
EMD / CWB

**04023PDCL.05c**  
**DATE: April 21, 2005**  
**NPDES PERMIT NO.: HI S000047**

**PERMIT RATIONALE:**      **APPLICATION FOR NATIONAL POLLUTANT  
DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT  
TO DISCHARGE TO THE WATERS OF THE UNITED  
STATES**

**PERMITTEE:**                **SCD ML II, LLC.**

**FACILITY/SITE:**            **KULALANI AT MAUNA LANI RESORT**

**FACILITY/SITE ADDRESS**

North Kaniku Drive  
South Kohala, Hawaii 96743

**PERMITTEE MAILING ADDRESS**

SCD ML II, LLC.  
Alakea Corporate Tower  
1100 Alakea Street, 27<sup>th</sup> Floor  
Honolulu, Hawaii 96813  
Contact:    Mr. Ted Takiguchi  
                 Project Manager  
Phone No.: (808) 537-5220  
Fax No.:    (808) 537-1801

**PERMIT STATUS**

On February 1, 2005, the Permittee submitted an Individual NPDES Permit application for coverage of storm water discharges associated with construction activity between the following discharge locations:

Pacific Ocean, Marine, Class AA, Latitude 19°56'57"N and Longitude 155°51'57"W, and  
Pacific Ocean, Marine, Class AA, Latitude 19°56'55"N and Longitude 155°52'00"W

The Department of Health (DOH) reviewed the application and requested in writing, dated February 7, 2005, that the permittee submit additional information. Additional information was submitted to DOH, dated April 4, 2005.

The Director of Health (Director) proposes to issue a permit to discharge to the waters of the State and has included in the proposed draft permit those terms and conditions which the Director determined are necessary to carry out the provisions of the Federal Water Pollution Control Act (PL 92-500), Federal Clean Water Act of 1977 (PL 95-217) and Chapter 342D, Hawaii Revised Statutes (HRS).

## **SCOPE OF THE CONSTRUCTION ACTIVITY AND LOCATION OF THE PROJECT**

The proposed Project is a residential development project within an area of approximately 25 acres in the South Kohala district on the Island of Hawaii. The development will consist of 126 multi-family units within 24 buildings, landscaping, and utility installation.

## **RECEIVING WATER CLASSIFICATION**

The Pacific Ocean discharge points are classified by the DOH as Class AA, Marine Water for Embayment. The objective of Class AA waters is to remain in their natural state as nearly as possible with an absolute minimum of pollution from any human-caused source.

The uses to be protected are all uses compatible with the protection of the ecosystems associated with waters of these classes. These waters shall not act as receiving waters for any discharge which has not received the best degree of treatment or control compatible with the criteria established for its class.

## **OCEAN DISCHARGE CRITERIA**

The Director has considered the Ocean Discharge Criteria, established pursuant to Section 403(c) of the Clean Water Act for the discharge of pollutants into the territorial sea, the waters of the contiguous zone, or the oceans. The EPA has promulgated regulations for Ocean Discharge Criteria in 40 Code of Federal Regulations Part 125 , Subpart M. Therefore, the Director has determined that the discharge will not cause degradation to the marine environment. Based on current information, the Director proposes to issue a permit.

## **DESCRIPTION OF THE PROPOSED DISCHARGE**

The Permittee requests to discharge storm water runoff from the proposed construction sites and states in the Site-Specific Best Management Practices (BMPs) Plan that the proposed drainage system and nine (9) dry wells were designed to accommodate the increase in runoff from the proposed site. Silt fence will be installed around the site to capture any sediment runoff. BMPs shall be in place prior to the start of construction activities.

## **PERMIT CONDITIONS**

The Director has considered the permit conditions to discharge storm water runoff associated with construction activity, established pursuant to the Federal Water Pollution Control Act, Federal Clean Water Act, and the HRS. The Director has determined that the discharge will not cause degradation to the receiving water environment when the Permittee complies with the conditions of the permit. Therefore, based on current information, the Director proposes to issue a permit.

## **PROPOSED DETERMINATIONS**

**A. Best Management Practices**

The Permittee shall:

1. Refrain from performing any work during heavy rainstorms.
2. Prevent loose particles, sand, soil, silt, and other construction debris at the construction site from being washed away by storm water runoff to the various swales and drainage ways and eventually to the State waters.
3. Remove excavated materials as soon as possible or at the end of each work day. The excavated materials shall be disposed of to a State and/or County approved landfill site.
4. Not discharge water used for dust control to State waters.
5. Not discharge water used for irrigation to State waters.
6. Not discharge hydrotesting effluent to State waters.
7. Not stockpile materials on-site.
8. Wash-down vehicles and/or equipment and concrete truck drums only at designated areas, as show on the Erosion Control Plan, and not discharge the wash waters to State waters.
9. Assure that the implemented BMPs are effective and the discharge effluent is in compliance with the basic State Water Quality Standards.

In addition to the general BMPs provisions proposed in the application, the following requirements are necessary in preventing pollutants to be discharged with the storm water to the receiving State waters. The Permittee shall:

10. Comply with all materials submitted in and with the application, dated January 31, 2005 and the subsequent submittal dated, April 4, 2005.
11. Retain a copy of the application, including other related materials, and this permit at the job site or at a nearby field office.
12. Design, operate, implement, and maintain the construction site BMPs Plan to ensure that storm water discharges associated with construction activities will not cause or contribute to a violation of applicable state water quality standards.
13. Implement the construction site BMPs Plan as often as needed to improve the quality of storm water discharges or when instructed by the Director.

14. Not cause or contribute to a violation of the basic water quality criteria as specified in Hawaii Administrative Rules (HAR), Chapter 11-54, Section 11-54-04.
15. Submit the following site-specific information on the Clean Water Branch (CWB) NOI Form C (Rev. 9/30/2004), as applicable, to the CWB for review and comment at least 30 days prior to the start of construction activities:
  - a. Section 3. - General contractor information;
  - b. Section 13.a.iv. - A map or drawing showing the location of the construction base yard and/or staging area; and
  - c. Section 13.b.v. - County-approved erosion and sediment control plan and/or county-approved grading permit; and
  - d. Section 13.b.vi - Updated construction schedule.

All related concerns and/or comments pertaining to the above listed items shall be properly addressed to the CWB's satisfaction before the start of construction activities.
16. Immediately stop, reduce, or modify construction, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04.
17. Inspect, at a minimum of once per week, the receiving state waters, storm water runoff and control measures and best management practices to detect violations of and conditions which may cause or contribute to a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04. (e.g., the permittee shall look at storm water discharges and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)
18. Review the effectiveness and adequacy of the implemented site-specific BMPs Plan(s) and sediment and erosion control plan(s) at a minimum of once per week, and update the plan as often as necessary. Any changes(s) to the site-specific BMPs Plans and/or Sediment and Erosion Control Plans or correction(s) to information already on file with the DOH shall be submitted to the Clean Water Branch (CWB) as such change(s) or correction(s) arises.
19. Submit signed copies of all reports required by this permit to the Director at the following address or as otherwise specified:

Director of Health  
Clean Water Branch  
Environmental Management Division  
Department of Health  
P.O. Box 3378  
Honolulu, HI 96801-3378

20. Include the following certification statement and signature on each submittal in accordance with HAR, Chapter 11-55, Section 11-55-07(b):

**"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."**

21. Include the NPDES permit number on each submittal. Failure to provide the assigned NPDES permit number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).
22. Submit any changes to information on file with the DOH as soon as changes arise.
23. Comply with the following special conditions apply to all land disturbance work conducted under this permit:
- a. Construction Management Techniques
    - (1) Clearing and grubbing shall be held to the minimum necessary for grading and equipment operation.
    - (2) Construction shall be sequenced to minimize the exposure time of the cleared surface area.
    - (3) Construction shall be staged or phased for large projects. Areas of one phase shall be stabilized before another phase is initiated. Stabilization shall be accomplished by temporarily or permanently protecting the disturbed soil surface from rainfall impacts and runoff.
    - (4) Erosion and Sediment Control measures shall be in place and functional before earth moving operations begin. These measures shall be properly

constructed and maintained throughout the construction period.

- (5) All control measures shall be checked and repaired as necessary, for example, weekly in dry periods and within 24 hours after any rainfall of 0.5 inches or greater within a 24-hour period. During prolonged rainfall, daily checking is necessary. The permittee shall maintain records of checks and repairs.
- (6) The permittee shall maintain records of the duration and estimated volume of storm water discharge(s).
- (7) A specific individual shall be designated to be responsible for Erosion and Sediment Controls on each project site.

b. Vegetation Controls

- (1) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than twenty calendar days prior to land disturbance.
- (2) Temporary soil stabilization with appropriate vegetation shall be applied on areas that will remain unfinished for more than 30 calendar days.
- (3) Permanent soil stabilization with perennial vegetation or pavement shall be applied as soon as practical after final grading. Irrigation and maintenance of the perennial vegetation shall be provided for 30 calendar days or until the vegetation takes root, whichever is shorter.

c. Structural Controls

- (1) Storm water flowing toward the construction area shall be diverted by using appropriate control measures, as practical.
- (2) Erosion Control Measures shall be designed according to the size of disturbed or drainage areas to detain runoff and trap sediment.
- (3) Water must be discharged in a manner that the discharge shall not cause or contribute to a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04.

**B. Reporting Requirements**

The Permittee shall:

1. Complete and submit the enclosed Solid Waste Disclosure Form for Construction Sites to the Office of Solid Waste Management as specified on the form.
2. Submit any changes to information on file with the CWB as soon as changes arise. The Permittee shall properly address all related concerns and/or comments to the DOH's satisfaction.
3. Notify the CWB upon termination of the discharge activities.
4. Immediately notify the director of the incident and identify the pollutant(s) source(s) and the proposed and implemented control or mitigative measures as required in Section 16 of DOH "Standard NPDES Permit Conditions," dated December 31, 2002.